

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

**IN RE: DIGITEK PRODUCT LIABILITY
LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**DEFENDANTS' UNOPPOSED MOTION
FOR ENTRY OF A SCHEDULING ORDER**

Defendants Actavis Totowa LLC, Actavis Inc., Actavis Elizabeth LLC, Mylan Pharmaceuticals Inc., Mylan Bertek Pharmaceuticals Inc., Mylan Inc., and UDL Laboratories, Inc. (collectively “Defendants”) respectfully move this Court under Rules 16 and 26(a) of the Federal Rules of Civil Procedure for the entry of the unopposed proposed Scheduling Order attached as Attachment A. The proposed Scheduling Order would be applicable to MDL 1968 member cases numbered 2:11-cv-00007, 2:11-cv-00008, 2:11-cv-00020, and 2:11-cv-00100, all of which opened in the MDL after the entry of Pre-Trial Order #70. The proposed Scheduling Order establishes mandates to aid in the efficient progress of discovery in the above cases, such that sufficient discovery will be conducted before the joint Daubert/Frye hearing to ensure that these cases may be briefed on the schedule established by Pre-Trial Order #70. The Plaintiffs’ Steering Committee has reviewed and approved the proposed Scheduling Order.

For the reasons set forth herein and in the accompanying Brief in Support, Plaintiffs and Defendants respectfully request this Court grant this Motion and enter the proposed Scheduling Order attached as Attachment A.

Respectfully submitted,

ALLEN GUTHRIE & THOMAS, PLLC

Rebecca A. Betts, LIAISON COUNSEL
500 Lee Street East, Suite 800
Charleston, West Virginia 25301
Tel: (304) 345-7250
Fax: (304) 345-9941
E-mail: rabetts@agmtlaw.com

Attorney for Defendants

SHOOK, HARDY & BACON LLP

Harvey L. Kaplan, CO-LEAD COUNSEL
Madeleine M. McDonough, CO-LEAD
COUNSEL
2555 Grand Blvd.
Kansas City, Missouri 64108-2613
Tel: (816) 559-2214
Fax: (816) 421-5547
E-mail: hkaplan@shb.com
E-mail: mmcdonough@shb.com

*Attorneys for Mylan, Inc., Mylan
Pharmaceuticals Inc., Mylan Bertek
Pharmaceuticals Inc., and UDL Laboratories,
Inc.*

TUCKER ELLIS & WEST LLP

By: s/Matthew P. Moriarty

Richard A. Dean (Ohio Bar #0013165),
CO-LEAD COUNSEL
Matthew P. Moriarty (WV Bar # 4571;
Ohio Bar 0028389), CO-LEAD COUNSEL
Kristen L. Mayer (Ohio Bar #0055505)
925 Euclid Avenue, Suite 1150
Cleveland, Ohio 44115-1414
Tel: (216) 592-5000
Fax: (216) 592-5009
E-mail:richard.dean@tuckerellis.com
matthew.moriarty@tuckerellis.com
kristen.mayer@tuckerellis.com

*Attorneys for Defendants Actavis Totowa LLC,
Actavis Inc., and Actavis Elizabeth LLC*

CERTIFICATE OF SERVICE

I hereby certify that, on April 5, 2011, a copy of the foregoing UNOPPOSED MOTION FOR ENTRY OF A SCHEDULING ORDER was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

TUCKER ELLIS & WEST LLP

s/Matthew P. Moriarty _____

Richard A. Dean, CO-LEAD COUNSEL
Matthew P. Moriarty, CO-LEAD COUNSEL
Kristen L. Mayer
925 Euclid Avenue, Suite 1150
Cleveland, Ohio 44115-1414
Tel: (216) 592-5000
Fax: (216) 592-5009
Email: richard.dean@tuckerellis.com
matthew.moriarty@tuckerellis.com
kristen.mayer@tuckerellis.com

*Attorneys for Defendant Actavis Totowa LLC,
Actavis Inc., and Actavis Elizabeth LLC*